

**RECEIVED**

MAR 05 2012

CITY MANAGERS OFFICE  
LAWRENCE, KS

Mr. David Corliss  
6 East 6<sup>th</sup> Street  
PO Box 708  
Lawrence, Kansas 66044

RE: 900 New Hampshire Cost Reimbursement Request

Dear David:

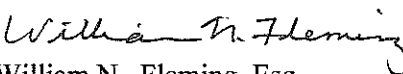
Pursuant to our previous discussions, on behalf of 900 New Hampshire, L.C, we would like to request consideration of our request for cost reimbursement assistance for our Project to be built at Ninth & New Hampshire on the lot just north of the Art Center. The current plans are to build an eighty-one unit extended stay hotel and twenty-one residential units. The Project would also include some retail uses on the ground floor. We anticipate an investment of approximately \$18 million in this Project.

The hotel is required by its franchisor to have parking available to its guests. We intend to build approximately 119 parking spaces as part of the Project. As you know, we are not required by current City zoning district to provide any off-street parking. Because of the difficulty in recovering the cost of the parking facility and because of the expense of providing underground parking, we are requesting that the City consider using a combination of the following tools to assist us in recovering the cost of the parking facility and the related public infrastructure costs associated with the Project:

- Authorize a "substantial change" to the existing Downtown 2000 Tax Increment District by amendment of the existing TIF District to remove the subject property and create a new tax increment district pursuant to the procedures outlined in K.S.A. 12-1771(e) and K.S.A. 12-1772(3)(f).
- Establishment of a Transportation Development District with 1% additional sales tax levied on retail sales including the hotel room nights;
- Approval for use of Industrial Revenue Bonds to finance construction.

Thank you in advance for your consideration of these various tools for cost reimbursement for the public infrastructure costs associated with this Project.

Very Truly Yours,

  
William N. Fleming, Esq.  
General Counsel

# Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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MAR 05 2012

CITY MANAGERS OFFICE  
LAWRENCE, KS

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MARCI FRANCISCO  
EMERITUS

3-3-12

900 New Hampshire  
City Commissioners:

The Lawrence Preservation Alliance agrees with the ruling of the Historic Resources Commission (HRC) that the proposed project at 900 New Hampshire will damage and encroach upon the North Rhode Island National Historic District that borders the east property line of the project. We do believe the extra time the design team spent working with staff and the Architectural Review Committee (ARC), of the HRC produced very beneficial design changes, which we acknowledged at the last HRC public hearing. However, the changes still fall short of rectifying the mass and scale issues as they relate to the standards and guidelines of state law review.

As one ARC member commented to me after the public hearing, "the building is just too big for the site." We would suggest that this comment rings true whether the platform for discussion is state law review or just competent city planning.

While the developer has dropped the number of apartment units to reduce mass to get the design to this point, we have been mystified as to why a hotel use needs apartment uses added to it to make it profitable in the first place. We must conclude that expensive spatial requirements the hotel use has (underground parking, first-class restaurant and swimming pool), are driving the extra levels that are causing this project to fail state law review. It is possible that the seller's profit margin on the lot is excessive as well, but that is impossible to say because that price has not been made public.

As city commissioners sitting in judgment in a quasi-judicial hearing to determine the existence of feasible and prudent alternatives, and whether all possible planning to mitigate damages has taken place, we would advise you that you cannot make such a determination unless you 1) know the purchase price and have had staff evaluate it against other comparable lots for reasonable profit margin, 2) receive written assurance from Marriott that once the new facility is built they won't close down their Springhill Suites facility, 3) ask the developer if the project will go forward if you do not approve requested tax increment financing, and 4) receive a cost analysis from the developer and verified by staff as to why a 3-story structure, with 4-stories on the commercial corner of 9<sup>th</sup> and New Hampshire, which, all else being equal, would almost certainly pass HRC review, would not be profitable.



Lawrence  
Preservation  
Alliance

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[www.lawrencepreservation.org](http://www.lawrencepreservation.org)

We expect that the answer to question #4, if you dig hard enough, will be that a 4-3 proposal would not be profitable for **this particular hotel mixed-use project with required swimming pool, rooftop restaurant and underground parking**. It's very likely that a 4-3 structure that is apartments/commercial/offices only, without the expensive hotel amenities, would be very profitable on this lot.


We know the city commission doesn't like to get into the business of determining how much of a service (such as hotel rooms), is too much. But we also don't believe you have stated a preference that a hotel use be placed on this lot. Your last input on planning for this lot was the Downtown 2000 plan, in which you identify 900 New Hampshire (Phase IV), as a 2 story retail/office mix that shares a party wall with the Lawrence Arts Center. **Because you have not requested a hotel use for this site, while it's reasonable for you to evaluate a hotel proposal, it is also reasonable for you to evaluate an alternative likelihood that a large yet properly-sized commercial structure could be placed here that would be profitable, pass HRC review, and receive a much more positive response from the residential neighborhood it borders.**

As the subject lot is vacant, this presents a very unusual circumstance for a 'feasible and prudent' hearing. Usually you have a historic structure in the mix with rehab costs in dispute and adaptive reuse issues at stake. But in this case, all kinds of commercial or mixed use structures could be built here. If this project is denied at 900 New Hampshire, it could likely resurface at a nearby location where the west side of Rhode Island has surface parking or smaller commercial structures currently instead of residential structures.

You have before you a project that is too big for its site; that will damage its residential neighbors, and will need tax assistance from you before it is even feasible itself. The hotel component of the proposal is driving all these square peg/ round hole issues; yet you have no planning documents that you or your predecessors have produced which suggest a hotel is needed at this site.

If in the face of all this you can make a finding that there is no feasible and prudent alternative to the current proposal, you will in essence be telling this city that 1) you think a hotel use is necessary for this lot, even though you have never planned for it before, and 2), you believe that if you deny this proposal, that this lot will forever be vacant, as any future profitable occupancy would in effect be a feasible alternative to this one. It would stretch the limits of credibility for the city commission to make these statements. You should find that there are likely alternatives to this proposal, and look forward to receiving a proposal at a future date that is more compatible with this site and acceptable to its neighbors.

Sincerely,



Dennis J Brown  
President

## **STATE HISTORIC PRESERVATION STATUTE REGULATIONS**

### **Article 3. REVIEW OF PROJECTS AFFECTING HISTORIC PROPERTIES AND THEIR ENVIRONS**

118-3-1. Definitions. For the purposes of Article 3, these terms shall have the following meanings.

(a) "Boundaries of a historic property" means the limits or extent of a geographic area included in the state or national registers of historic places.

(b) "Character-defining features" means those physical characteristics and elements that indicate the integrity, design, and materials of the listed historic property.

(c) "Demolition" means the partial or complete removal of a building or structure, the components of a building or structure, or the man made components of the site on which the building or structure is located, including walks, driveways, retaining walls, and fences.

(d) "Environs" means the historic property's associated surroundings and the elements or conditions that serve to characterize a specific place, neighborhood, district, or area, which takes into account all relevant factors, including the following:

- (1) The use of the area;
- (2) the significance of the historical property;
- (3) the scope of the project;
- (4) surrounding buildings, structures, and foliage; and
- (5) the topography of the surrounding area. A project need not be adjacent to a historic property for it to be in the historic property's environs.

(e) "Feasible and prudent alternative" means an alternative solution that can be reasonably accomplished and that is sensible or realistic. Factors that shall be considered when determining whether or not a feasible and prudent alternative exists include the following:

- (1) Technical issues;
- (2) design issues;
- (3) the project's relationship to the community-wide plan, if any; and
- (4) economic issues.

(f) "Governmental entity" means the "state or any political subdivision of the state," as that term is defined by K.S.A. 75-2714, and amendments thereto.

(g) "Ground-disturbing project" means a project that changes the existing grade, shape, or contour of a property or involves drilling into or excavation of earth from a piece of property where there is the potential to disturb archeological remains.

(h) "Historic property" means any property included on "the national register of historic places" or "the register of historic Kansas places."

(i) "Program includes all possible planning" means that the written evidence and materials submitted by a governmental entity to the state historic preservation officer clearly identify all alternative solutions that have been investigated, compare the differences among the alternative solutions and their effects, and describe mitigation measures proposed by the project proponent that address an adverse effect determination of the state historic preservation officer.

(j) "Relevant factors" means pertinent information submitted by project proponents or project opponents in written form, including evidence supporting their positions.

(Authorized by K.S.A. 75-2721(b); implementing K.S.A. 75-2724; effective, T-118-5-1-98, May 1, 1998; effective Oct. 23, 1998.)

## Bobbie Walthall

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**From:** dhalexander@sunflower.com  
**Sent:** Thursday, March 01, 2012 9:28 PM  
**To:** mikeamyx515@hotmail.com  
**Cc:** Bobbie Walthall  
**Subject:** please vote no on 900 New Hampshire hotel

2905 Pebble Lane, Lawrence, KS  
March 1, 2012

Dear Commissioners:

I have lived in Lawrence since 1987; I work here, raised my family here, and likely will retire here. I care deeply about this city and I enjoy its unique flavor. We are so fortunate to have a progressive community, a downtown that draws people from all over, and a high quality of life. We also have an amazing history that traces back to before the Civil War, and we are fortunate to have many historic neighborhoods and buildings. I want to maintain the high quality of Lawrence for the next generation, and thus I urge you to vote "no" for the new hotel development on New Hampshire (900 N.H.) As you well know, this proposed development was recently considered by the Historic Resources Commission. They voted "no" because of their concerns that this large structure will impact the nearby historic areas. I encourage you to follow their lead and also deny the proposed development.

I realize developers put an incredible pressure on city leaders like yourselves, but it is essential that we stop and realize why we have a Historic Resources Commission. This group is looking out for the long-term future of the city and is protecting our resources. To override their vote would be a very serious statement and an insult to the hard working city-appointed board.

It is also important to recognize that Lawrence has many hotels and restaurants and it is not at all obvious that there is the demand to fill them. In fact, adding yet another hotel and restaurant just makes it harder on the hotels and restaurants that are already here. This is not the time nor the place for another large hotel/restaurant complex. I also understand that the developers seek public financing – given, again, that the Historic Resources Commission has voted against this unit, this again simply does not make sense.

I might emphasize that I live in the southwest part of Lawrence – not close to downtown. However, I love going to the downtown area to eat and I have friends across the city. We must broadly look at the future of all of Lawrence and maintain protection of our historic resourcess.

Sincerely,  
Helen M. Alexander

## **Bobbie Walthall**

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**From:** anne tangeman [aatangeman@gmail.com]  
**Sent:** Monday, March 05, 2012 8:02 PM  
**To:** aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall  
**Subject:** Regarding the proposed development at 9th and New Hampshire

To the City Commission:

You are being presented with a request to overturn the TWICE unanimous decision of the Historic Resources Commission to deny approval for 900 New Hampshire Street. I write to you in strong protest, based on my firm belief that the project would actually harm Lawrence's economy irreparably more than it will add.

The project you are considering has four uses: hotel, apartments, restaurant, and retail. Each of these uses will add to Lawrence's short-term economic infrastructure, it is true, but I fear that it will also detract in ways that would actually harm Lawrence in the long run.

1. For the hotel, Lawrence already has two major downtown hotels, plus the new Oread Hotel on the Hill, and a hotel under construction to the south of Hallmark. Lawrence hotel occupancy rates are known to be on the low side (estimated at about 51%), and projects such as Eldridge Extended, Springhill Suites and Halcyon House are already in trouble. The public has \$11 million in public financing sunk into the Oread Hotel, and undoubtedly there will be requests for more public financing for 900 New Hampshire. The publicly financed parking garage still is not paid for. Stop leaving the public on the hook and protect our current investments!

2. As for the restaurant, Lawrence has seen the arrival of numerous new restaurants in recent years, especially the past year, so the competition will be more than stiff. New restaurants will not add to the tax base, but will actually spread current entertainment dollars more thinly. And more part-time, low wage service jobs are not what the city should be striving for.

3. For the retail areas, 31 retail properties are currently NOT occupied or rented in the downtown area, including six large-scale buildings along the New Hampshire Street corridor alone. The need for more retail space is not at all a given, and would in fact point to a serious issue with the health of retail downtown. Our downtown is slowly turning into a tourist district — downtown needs services targeted to permanent residents with families to create a solid economic foundation for downtown, not more tourist services!

4. And for apartments, affordable family housing is in sore supply. Lawrence doesn't need more luxury, one-bedroom apartments! I note for you that the Hobbs-Taylor Lofts Building took 6 years to achieve full occupancy, and that the development group has just finished a very similarly designed apartment project at 901 New Hampshire Street. Our city already has way too many apartment complexes geared towards single occupants (how many complexes like this have been developed in the past few years, 31st & ousdahl, 23rd & crossgate, and now gaslight village). And considering that the parking below this building is for the hotel, it will push more parked cars onto the neighboring streets and into the already full parking garage.

Frankly speaking, I have explored the four components of the 900 Rhode Island Street hotel project, and I see very little in the way of positive long-term economic prospects for any of them. I fear that this project will, in the end, create a 60 foot tall building that will not improve Lawrence's tax base, nor create a more vibrant downtown area for the city. Rather, it will create short-term profit for the developers, and detract from the small town charm that Lawrence is known for. As a result, I urge you to deny the developer's appeal, and not allow this project to go forward.

Thank you for your time,

Anne Tangeman

Downtown patron and 29 year resident of Lawrence

-----Original Message-----

From: Jesse Brubacher [mailto:[jesse@brubacherbuilding.com](mailto:jesse@brubacherbuilding.com)]

Sent: Thursday, February 16, 2012 11:00 AM

To: Lynne Zollner

Subject: 9th and New Hampshire

To Whom it May Concern,

I am a homeowner in East Lawrence, and am writing this letter in support of the proposed project at 900 New Hampshire.

This project promotes density, commerce and long-term investment to downtown as well as East Lawrence. Projects like the Poehler remodel, the proposal for the Santa Fe train depot and the building in question collectively create a broad vitalization in an area once prone to decay and abandonment. On a city-wide scope, these investments and developments strengthen the core of the city, rather than draw commerce and population further to the west creating sprawl. From an standpoint of urban planning, this project moves us in the right direction.

Throughout the process of design, submittals, redesigns, community forums, etc., this building has evolved to accommodate the valid concerns of the neighborhood. The traffic flow has not only stayed out of the alley, but has been changed so that headlights never shine into a nearby home and cars never cross the sidewalk near the art center where children may be walking. The alley side of the building offers a court yard, rather than a stark wall, and a height barely more than that of the nearest house. The designer and developers have listened and responded to the concerns of the community in an impressive way. Some neighbors, unfortunately, have been less than impressive during the process.

The public forums which have been held by the architects and developers were a great opportunity for information and feedback, and I applaud the HRC for their suggestion. However, the dialogues have been dominated by a small handfull of people who are willing to interrupt presentations and dominate the discussions through inconsiderate behavior and sheer

volume of voice. This small group has in effect stated that their opinions are the unanimous will of the people, simply because those with other opinions can't or won't compete on their level to speak their opinion. This is ultimately why I write this letter. I feel that the idea of public forums is fantastic and has been fruitful. I think the designers have creative solutions for the legitimate concerns that have been expressed. But the conversation has been dominated by a few who presume to represent the whole, and that does not sit well with me.

As the process has unfolded and the design has evolved, the only clear and legitimate argument left within the vocal minority seems to be, "it's simply too tall." To be left with only this subjective complaint is surely a sign of a design job well done. Height is required for density. Multiple uses are required for urbanism. This property abuts an historic neighborhood, but is part of downtown. While the two homeowners who live adjacent to the property may not approve of a building in their back yard, their proximity to downtown was surely a factor in their purchasing decision. Their issue as I see it is with the zoning designation of their neighbor, not with the building itself.

This building and other developments on the east side are a step in the right direction, and I'm concerned that this process will serve as proof that building on the western edge of Lawrence is the only feasible way to invest in our city. I appreciate the concern of the neighborhood, the involvement of the HRC, as well as the tangible design response by the development team. The process created by all players has created a responsible project that I fully support.

Thanks for your time,

Jesse Brubacher

**From:** csuen3@sunflower.com [mailto:csuen3@sunflower.com]  
**Sent:** Wednesday, February 15, 2012 2:13 PM  
**To:** Lynne Zollner  
**Subject:** 900 N H

Dear Historic Resources Commission,

We would like to commend you for requiring the proposed project at 900 New Hampshire to be kept to the height of the Lawrence Arts Center. We hope you continue to do so.

With regards,  
Arch Naramore  
Cindy Suenram  
1204 New York  
Lawrence 66044  
[arch@sunflower.com](mailto:arch@sunflower.com)  
[csuen3@sunflower.com](mailto:csuen3@sunflower.com)

**From:** George [mailto:kscchguy@yahoo.com]  
**Sent:** Thursday, February 16, 2012 10:58 AM  
**To:** Lynne Zollner  
**Subject:** 900 New Hampshire development proposal

Good morning Ms Zollner,  
Despite the maneuverings of the development group (and the contrived support of the J-W editor!), I feel the proposed building still is too tall for that side of the street. And so I wanted to register my objection to it.

As in an earlier note to you, my feeling is that its height should be no more than that of the Art Center. If the developer really WANTS a tall edifice, I suggest they secure the property across the street from Hobbs-Taylor Lofts (which remains mostly empty years after construction), or the former (also empty!) Borders property, and build something there.

Sincerely,  
George Pisani  
809 Connecticut

Historic Resource Commission  
City of Lawrence  
City Hall 66044

14 February 2012

I urge the Historical Resource Commission (HRC) to use every power to deny a “certificate of appropriateness” and reject the development at 900 New Hampshire Street by Treanor Architects. The revised plan has not changed from being monstrously out of scale in size, mass and height compared to the historical character of the neighborhood.

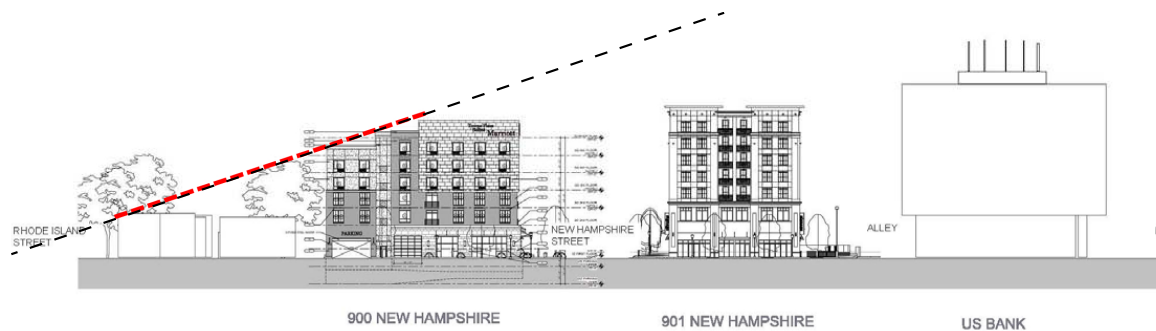
A few months ago the HRC wrote about the previous proposal that:

*...the proposed project does encroach upon, damage, or destroy the environs of one or more listed historic properties and does not meet the intent of the Downtown Design Guidelines.*

While well written **this is not strong enough**. There are reasons to believe that Treanor does not take the HRC or its function seriously. Treanor has not paid attention to reducing the height of the structure. It has not consulted with the neighborhood, while making presentations loaded with distractions and deceptive renderings. Treanor has consistently transferred debate and press releases to issues that confuse the general public and allow Treanor to control disinformation. Among the issues not relevant to HRC are assertions about zoning, comparisons with 901 New Hampshire, and threats that Treanor’s business partners cannot proceed without the City of Lawrence giving it unilateral power to destroy historic environs, which happens to be the issue Treanor never has addressed.

It is extremely important that the HRC write its rejection in a way to general public can understand and support. I believe that any ambiguity in language, or separation of the language from its basis in Lawrence City Code, will be used by Treanor to obscure the actual issues for the public and for the City Commissioners.

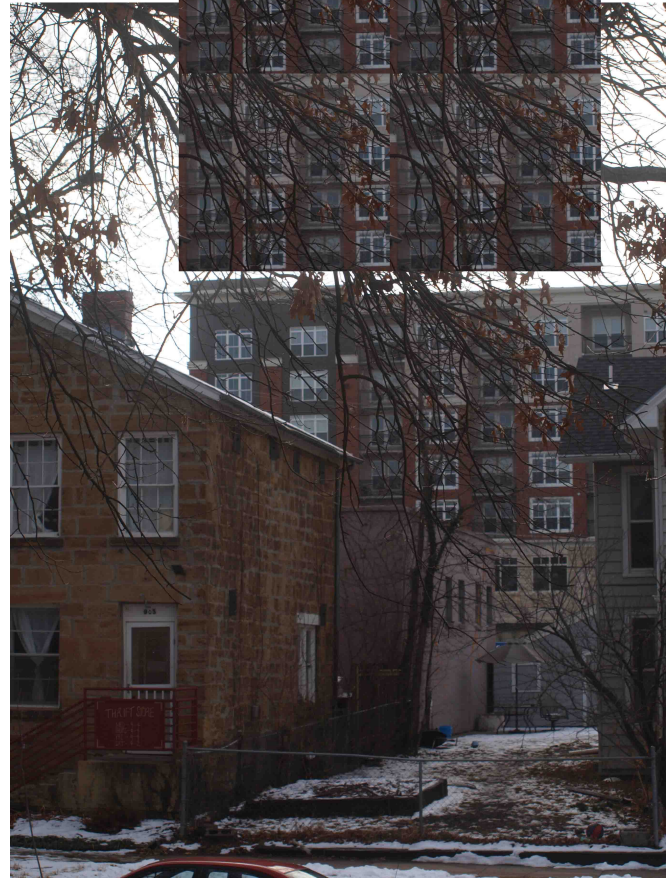
Every issue in my previous letters of December 11 and December 14 remain valid and current. This letter will limit discussion to deceptive renderings of overall height. In a presentation to neighbors at the Library on February 1, Treanor showed “exact scale views” of the proposed project as seen from Rhode Island Street. These views showed the new project as visible *well below the sight lines of rooftops*. The views were challenged by pointing out that 901 New Hampshire already *looms high above the Historic District rooftops* while being hundreds of feet further away.



It is simple to extend one of Treanor’s sight lines (red) to show that proposed structure looms half again or more above the bulk of 901 NH. Its roof is 70 feet above ground level on the south end: a 6-story insult that includes an offensive glass ornament made with total disregard for historic context and Department of Interior guidelines. If built the structure will block the sky like a 20- story building downtown: while being 15 feet from the historic properties.

To conclude, I reiterate that the HRC must adamantly protect each and every City landmark property. Where is the mention of the landmarks? Landmarks have a higher standard of protection than “environs”: yet all are important. Once historical preservation is given away, you can’t buy it back with any amount of money.

John Ralston, for Rhode Island Historical District neighbors  
940 Rhode Island Street



A view of 901 New Hampshire from the steps of the Turnhalle, showing the Social Service League building. The Turnhalle steps are considerably higher in elevation than the origin of the Treanor plan sight lines, *decreasing the sight angle* -- but needed to fit 901 NH in the frame. The right-hand panel has been modified to add about half the subtended angle of 901 NH to its top, leaving a gap to show the addition. That illustrates the height of the proposed structure at 900 NH. The 220' length of the structure cannot even be imagined.

# East Lawrence Neighborhood Association

P.O. Box 442393  
Lawrence, KS 66044  
eastlawrence@yahoo.com

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February 15, 2012

Historic Resources Commission  
City Hall  
6 E. 6<sup>th</sup> Street  
Lawrence, KS 66044

Dear Commission Members,

The East Lawrence Neighborhood Association has a strong resolve to protect the historic nature of our neighborhood and its relationship to downtown. Our neighborhood is unique and irreplaceable, and in the past few years we have worked very hard to shine spotlights on our neighborhood's uniqueness, vibrancy and nearly 160 year existence. The **North Rhode Island National Historic District** is in one of these spotlights, and shines on one of the most prosperous and historic blocks in our entire neighborhood: the 900 block of Rhode Island Street.

We would like to ask you to deny the 900 New Hampshire project. This project has taken a few design changes since October, changes that have certainly been for the better. However the fact remains that it is still a 6-story building looming directly over the 2 story houses which comprise the North Rhode Island National Historic District. These homes will take even further structural damage in the 2 story excavation and construction of the building, just as they took damage in the building of the Lawrence Arts Center.

Another point to note is that I believe this building is now actually **BIGGER** in sheer volume than the one you looked at in December 2011. (see notes on page 2 for actual calculations)

Considering that the HRC tasked the ARC at their December 2011 meeting to attempt to work with the developer to bring the building **down** to the size, scale & mass of the Lawrence Arts Center, in fact, the reverse has happened. The ARC certainly had a positive impact on the building in terms of aesthetics, which we sincerely appreciate, but the project is still approximately 140% bigger than the Lawrence Arts Center.

Based on these facts, and for its obvious impact on the historic district, we sincerely feel a denial would be prudent for the commission to find.

Thank you,

Leslie Soden, President  
East Lawrence Neighborhood Association

**Building Volumes:** (measurements taken from the plans to the best of my ability)

900 NH in December 2011, grand total = **1,177,546** cubic feet (underground parking garage excluded):

215' long x 57' wide x 70' tall = 857,850 cubic feet (6 story core)

66' long x 53' wide x 52' tall = 181,896 cubic feet (4 story, north end)

50' long x 53' wide x 52' tall = 137,800 cubic feet (4 story, south end)

900 NH in February 2012, grand total = **1,236,015** cubic feet (underground parking garage excluded):

225' x 55' x 63'h = 779,625 cubic feet (entire 5 story core)

200' x 55'w x 11'h = 121,000 cubic feet (6th story only, L long west end)

53' x 30'w x 11'h = 17,490 cubic feet (6th story only, L short north end)

(30'w x 55' x 63'h) x 2 = 207,900 cubic feet (5 story, 30'w section, in between core & shortest section)

(25'w x 55' x 40'h) x 2 = 110,000 cubic feet (shortest section, 3 story, 25'w section, next to alley)

Lawrence Arts Center = **880,000** cubic feet (measurements obtained from the planning staff)

200'long x 110' wide x 40' tall

(FYI the 40' height estimation already includes the top of the bubbles on the roof)

Mark Kaplan  
1029 Delaware  
Lawrence, Kansas 66044

February 16<sup>th</sup>, 2012

Historic Resources Commission  
City of Lawrence  
City Hall  
Box 708  
Lawrence, Kansas 66044

RE: Compton-Treanor hotel proposal  
900 New Hampshire Street

Dear HRC members,

I'm writing to urge you all to do your duty this evening, on behalf of the historical integrity of the Original Town Site of Lawrence, Kansas – and deny approval for the redesigned structure proposed for the SE corner of the intersection of 9<sup>th</sup> and New Hampshire Streets downtown.

As duly determined with the out-sized scale, mass and height of the development firm's original proposal of late last year, I contend that the current redesign – assuming it were to be honestly followed once construction were to begin – is still irrelevant to the context of our Civil War-era downtown, and its importance as a partially-surviving symbol of the titanic political and military struggle which largely completed the formation of the modern American nation in the mid-19<sup>th</sup> century.

The Lawrence Massacre of August, 1863 resulted in the murder of more than 200 men and boys, many of them at and surrounding the very site of this proposed inappropriate structure. Combined with the absurdly massive development at 901 New Hampshire, and another structure planned for the NE corner of the intersection by the same development team, this exercise, while adding much-needed residential uses in the central business district (CBD), makes a mockery of our Downtown Design Guidelines, and the history and heritage which those regulations were intended to protect.

This series of 'high-rise' structures, already in place, and in the planning stages, beginning with the construction of the Hobbs-Taylor lofts on New Hampshire in the last decade, profoundly begs the question as to why these kinds of architectural impositions are being made ahead of the completion of a new comprehensive downtown development plan, which would govern future residential development along New Hampshire and Vermont streets, and the north and south extremities of Massachusetts street in the CBD.

While I wholeheartedly support additional residential development downtown, I decry the construction of any further structures such as the proposal for 900 New Hampshire, which completely ignores the integrity of the North Rhode Island Federal Historic District 16' across the alley to the east – and the entire historic CBD.

Please give the residents of Old East Lawrence the political and legal tools with which to force the rescaling and redesign of this latest proposal, by rejecting it, requiring elected officials to ensure the future integrity of downtown, and the Original Town Site, through the development and approval of a new comprehensive downtown plan. Until such a new plan is put in place – there should be a moratorium upon any additional development.

Sincerely,

Mark Kaplan



Old West Lawrence Association  
Kirk McClure, President  
mcclurefamily@sbcglobal.net

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February 16, 2012

Historic Resources Commission  
City Hall  
6 East 6<sup>th</sup> Street  
Lawrence, Kansas 66044

Re: **900 New Hampshire Proposed Development**

Dear Commission Members.

The Old West Lawrence Association is committed to the protection and enhancement of Downtown Lawrence and our historic neighborhoods. The proposed development, 900 New Hampshire, as currently configured is too large for the site, with six stories and 126,800 square feet. Its mass and scale are inappropriate to the location. The proposal does not complement the adjacent three-story civic building to the south, the Lawrence Arts Center. The proposal is incompatible to the adjacent one- and two-story properties to the east, on Rhode Island Street.

OWLA recommends that the Historic Resources Commission deny the 900 New Hampshire proposal as now configured.

Yours truly,

Kirk McClure, President  
Old West Lawrence Association

A. Townsend Peterson, Ph.D.  
923 Rhode Island Street  
Lawrence, Kansas 66044

13 February 2012

Sean Williams, [ilovelawrence@sunflower.com](mailto:ilovelawrence@sunflower.com)  
Jody Meyer, [jmeyer@sunflower.com](mailto:jmeyer@sunflower.com)  
Alan Wiechert, [weichert@ku.edu](mailto:weichert@ku.edu)  
Chad Foster, [chad.foster@jocogov.org](mailto:chad.foster@jocogov.org)  
Leslie Tuttle, [ltuttle@ku.edu](mailto:ltuttle@ku.edu)  
Mike Arp, [meakans@sunflower.com](mailto:meakans@sunflower.com)  
Tracy Quillin, [tracy.quillin@gmail.com](mailto:tracy.quillin@gmail.com)  
And cc to Lynne Braddock Zollner, [lzollner@lawrenceks.org](mailto:lzollner@lawrenceks.org)

To Members of the Historical Resources Commission:

I write to you with the strongest of urgency to ask you to vote to deny the proposal for development of a hotel, restaurant, retail, and apartment complex at 900 New Hampshire Street. As you know well, you are being asked to rule as to the appropriateness of this development in light of the historical resources that surround it.

I am a 14-year resident of Historical East Lawrence, and owner of a contributing house in the North Rhode Island Street National Historical District (the Bromelsick House, 923 Rhode Island Street). I have invested 14 years of hard labor (not to mention any and all savings that I might have had) in rescuing this house; for this reason, I was and am deeply concerned about anything that might impinge on its integrity. I have studied the various generations of plans deeply and carefully, and am completely convinced that this project would affect the National Historical District very negatively.

First and foremost, I urge you to consider how this project will affect the viewscape of the National Historical District. Viewed from Rhode Island Street, quite simply, this building will be monstrous—it will be 73.5' high at the northwest corner. Although it will slope down to 40' high at the back, this stepping down does not affect how it will loom over our houses: the proposed building is nothing short of unbelievably massive, and it will be clearly visible above and around the houses on the west side of Rhode Island Street. The step-down to "just" 40' at the alley does not change in any way the fact that the building will loom quite high over the historical buildings to its east.

A second suite of concerns focuses on the structural integrity of the buildings that make up the National Historical District. When the Lawrence Arts Center was constructed, we noted significant structural damage to our carriage house, which

remains a significant challenge for me in my ongoing efforts to stabilize and preserve our property. The proposed building is not only almost equally adjacent to our property, but is also more than double the mass of the Arts Center and will include a 2-level underground parking facility. As a consequence, we see considerable potential for actual structural damage both to our house and to several houses to the north of us along the west side of Rhode Island Street.

I am extremely concerned and distressed at the staff analysis that has now been made public regarding the proposal that you are considering. I was present the last time that your Commission considered this proposal, and I noted with considerable relief that you instructed the developers to use the Lawrence Arts Center as a size standard. Indeed, when the developers queried members of the Commission about this, members of the Commission repeated the point—I quote from the HRC December 2011 Draft Action Summary: “Commissioner Arp stated the presentation at the first Architectural Review Committee meeting should regard height and massing.” Based on this comment, I relaxed a bit, thinking that the revised proposal would either be appropriately scaled or would not proceed. Now, however, I see in the ARC 19 January meeting action summary: “Treanor Architects explained that the height was not able to be reduced and asked that the design be reviewed with that factor set aside.” Quite simply, I DON’T GET IT ... you directed them to focus exclusively on that, and they respond by saying that they do not want to focus on that!



Now, even more worrisome to me, I see the staff recommendations as patently abandoning this recommendation from the Commission. Above, I have included an image from the architects’ own presentation of their plans.... The Arts Center is the small structure at the right extreme of the diagram. Quite simply and very obviously, the structure that is proposed to you is nearly DOUBLE the height of the Arts Center, not to mention that its massing is considerable, compared with the already-imposing Arts Center structure. I am concerned that the HRC has backed off from

what was its main point—the structure as proposed originally (and as it still is) is simply too large.

To put my point in a different light, my understanding is that the purpose of the HRC (or at least the part of its purpose relevant to this issue) is simply to evaluate the historical appropriateness of proposed developments, and NOT to negotiate and compromise on getting the best deal for historical considerations. The above summary certainly APPEARS like a negotiation ... the HRC appears to be bending its originally-strongly-stated standards to accommodate the developers' needs. I would point out to you that the mechanism of appeal to the City Commission is designed to provide this negotiation mechanism... the HRC *per se* should not enter into this arena.

Finally, I will permit myself a more personal note. I have three times had to request permissions from the HRC for work on my house—a skylight, moving a door on the upstairs back porch, and a replacement of the front porch. In each case, I appeared before the commission, and made my case, and my proposals were subjected to intense scrutiny and discussion. The changes that I proposed were meticulously designed to maintain the historical character of the house and the neighborhood, and I was still put through a wringer to assure that my proposals were appropriate. In the case of this hotel proposal, the damage to the neighborhood would be orders of magnitude larger, the project is in no way being developed with an eye to keeping the historical integrity of the neighborhood, and yet the standards appear to be much looser. I would ask that you maintain the consistency of your message carefully—subject the developers of the 900 NH project to the same careful standards as you do the homeowners of the region ... otherwise you risk losing the respect of the latter.

I hope that I have not expressed myself overly strongly, or overstepped any bounds. My heart is in the same place as yours—assuring the longevity of the rich historical legacy of Lawrence. I urge you strongly to deny the proposal that is before you—this is the only appropriate path forward for your Commission.

Very sincerely,

A handwritten signature in black ink, appearing to read 'A. Townsend Peterson', written in a cursive style.

A. Townsend Peterson, Ph.D.

**From:** ddevans@earthlink.net [mailto:ddevans@earthlink.net]  
**Sent:** Friday, February 10, 2012 2:09 PM  
**To:** Lynne Zollner  
**Subject:** HRC Feb. 16, 2011

The 900 N.H. St. project plans only formally submitted once to the city for approval, received a unanimous rejection by the Lawrence Historic Resources Commission on Oct. 27, 2011. What followed were numerous city and public presentations of the evolving plans always contrasted with older versions. Whatever plan finally emerges the process become irrelevant. The deliberative bodies hopefully will focus on the proposed building, not a slideshow of scraped ideas. Dave Evans, 2108 E. 26th Terr., Lawrence, KS.

Lawrence Historic Resources Commission  
*Thursday, February 16<sup>th</sup>, 6:30 pm, 2/16 -- 6:30pm @ City Hall*  
900 New Hampshire project is on the agenda.

Lawrence Historic Resources Commission -- Dec. 15, 2011.  
DR-12-185-11 900 New Hampshire Street; New Construction; Certified Local Government Review, Certificate of Appropriateness Review and Downtown Conservation Overlay District Review. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Residential Historic District, National Register of Historic Places. The property is located in the environs of the Shalor Eldridge House, Register of Historic Kansas Places and the Social Service League building, Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District and subject to the Downtown Design Guidelines. Submitted by Treanor Architects for 9-10 LC, the property owner of record.

Lawrence Historic Resources Commission -- Oct. 27, 2011.  
DR-9-151-11 900 New Hampshire Street; New Construction; Certified Local Government Review and Certificate of Appropriateness Review. The property is in the environs of Lawrence's Downtown Historic District and the North Rhode Island Street Historic District, National Register of Historic Places. It is also in the environs of the Shalor Eldridge Residence (945 Rhode Island), Register of Historic Kansas Places and the Social Service League (905-907 Rhode Island), Lawrence Register of Historic Places. Submitted by Micah Kimball of Treanor Architects for 9th & New Hampshire LLC, property owner of record.

City Commission Meeting Agenda -- Dec. 6, 2011.  
Regular Agenda Items:

1. **APPLICATION WITHDRAWN – A PRESENTATION ON REVISIONS TO THE DESIGN WILL BE MADE AND PUBLIC COMMENT WILL BE ACCEPTED. ANTICIPATE REVISED DESIGN BEING CONSIDERED BY HISTORIC RESOURCES COMMISSION ON DECEMBER 15, 2011.** ~~Consider the following determinations by the Historic Resources Commission concerning the proposed project to be located at 900 New Hampshire Street:~~ [Staff Report](#) [Location Map](#) [Elevations](#) [Drawings](#) [Plan](#) [Shading](#) ~~[Correspondence](#)~~ ~~[Updated 12/06/11](#)~~ ~~[Appeal Request](#)~~ ~~[Appeal Memo](#)~~

**REVISED DESIGNS - ADDED 12/06/11**

Addendum from Applicant — Added 12/06/11

Revisions from Applicant — Added 12/06/11

**ACTION:**     Receive presentations and public comment, and refer revised design to the December 15, 2011 meeting of the Historic Resources Commission, if appropriate.

- a) ~~Consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed project at 900 New Hampshire Street and the that the proposed project includes/does not include all possible planning to minimize harm to the listed properties. The Historic Resources Commission determined (6-0) on October 27, 2011 that this project will encroach upon, damage or destroy the listed historic properties and their environs.~~

**ACTION:** ~~Make a determination based on a consideration of all relevant factors that there is a feasible and prudent alternative to the proposed project to be located at 900 New Hampshire Street and that the proposed project does not include all possible planning to minimize harm to the listed property, if appropriate.~~

- b) ~~Consider an appeal of the HRC determination that the proposed project to be located at 900 New Hampshire Street does not meet the intent of the Downtown Design Guidelines. The HRC determined (6-0) on October 27, 2011 that this project does not meet the intent of the Downtown Design Guidelines.~~

**ACTION:** ~~Determine whether the proposed project meets the adopted Downtown Design Guidelines, if appropriate.~~

- c) ~~Consider an appeal of the HRC determination to deny a Certificate of Appropriateness for the proposed project to be located at 900 New Hampshire Street. The HRC determined (6-0) on October 27, 2011 that this project will encroach upon, damage or destroy the listed historic properties and their environs.~~

**ACTION:** ~~Uphold the determination of the HRC or issue a Certificate of Appropriateness for the project, if appropriate.~~

February 15, 2012

City of Lawrence Historic Resources Commission  
City Hall  
Lawrence, KS 66044  
c/o Lynne Zollner, Historic Resources Administrator

Dear Historic Resource Commissioners,

I am writing on behalf of the Barker Neighborhood Association about the development proposal for 1846 Massachusetts Street – Kwik Shop.

We have discussed the project on our neighborhood's email list and at a neighborhood meeting this past Monday night. Some of the neighbors have significant safety and operational concerns; these concerns speak more to the site review process than the HRC review and will not be detailed in this letter.

Regarding the aspects of the project considered by the HRC, below are comments expressed by neighborhood residents about building and canopy materials, general character, and spatial relationships.

We see the general character of the environs of the two named properties as a neighborhood commercial area serving a walkable residential neighborhood on one of the main routes to downtown.

We agree with staff's finding that: "the demolition of the existing structure will not encroach upon, damage, or destroy the environs of one or more listed historic properties. However, the replacement structure should have some design changes to make it compatible with the environs."

Our specific comments about the design changes, bulleted below, are based on the following guidelines for HRC review:

6. New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.

The staff report contains this recommendation for revisions to the plan:

1. The applicant work with the Architecture Review Committee to improve the overall compatibility of the building and gas canopy, in regards to spatial relationships, roofline, and materials, with the environs of the listed properties.

We agree that this is needed, and we agree with staff's recommendations for design changes. Here are more specific comments:

- We would like to see the store facing Mass Street. The orientation toward 19<sup>th</sup> Street is out of character with the rest of the commercial development in the area. Generally, other businesses in the vicinity have areas of their businesses that have very low activity and commercial presence across from residences. It would compromise the character of the

neighborhood and environs to change the orientation of the building.

- We would like day-to-day activity not located so far east on the lot, close to single-family residences. Moving the building east also creates a wider gap between the Cottins building and Kwik Shop -- a spatial relationship between the two buildings uncharacteristic of the area as well as resulting traffic- and pedestrian-safety issues.
- We believe that tripling the number of gas pumps and canopies will create a design that is not compatible with the size, scale and character of the property, neighborhood and environs. Given the mass of the canopies, we were surprised this element was omitted from the drawings submitted to the HRC. This intersection has long been home to a gas station—sometimes more than one—but none have been on the scale of what is proposed. We would like to see fewer gas pumps and canopies in the design—and those that are included to have design features in the supports and canopies (and lighting) compatible with the environs and neighborhood.
- If any fencing should be added to the plan, we ask that the design of the fence be reviewed by the HRC.
- We agree with staff's comments about enhancing the design of the building and building materials on all four sides.

Overall, we believe the proposed plan attempts to place more structures and activity on the property than is compatible with the area. The area was designed for more moderate commercial activity.

Thank you for considering our concerns. We hope to see a revised plan that helps Kwikshop meet its goals while being more compatible with the historic environs and the character of our neighborhood.

Thank you for your service to the City.

Lisa Harris  
Acting President  
Barker Neighborhood Association  
1540 New Hampshire Street  
Lawrence, KS 66044

**Kirk McClure**  
**707 Tennessee Street**  
**Lawrence, Kansas 66044**

February 28, 2012

Mayor Aron E. Comwell	<a href="mailto:aroncromwell@gmail.com">aroncromwell@gmail.com</a>
Vice Mayor Bob Schumm	<a href="mailto:schummfoods@gmail.com">schummfoods@gmail.com</a>
Commissioner Michael Dever	<a href="mailto:mdever@sunflower.com">mdever@sunflower.com</a>
Commissioner Hugh Carter	<a href="mailto:hughcarter@sunflower.com">hughcarter@sunflower.com</a>
Commissioner Mike Amyx	<a href="mailto:mikeamyx515@hotmail.com">mikeamyx515@hotmail.com</a>

Re: **Repeating Past Mistakes Through a Lack of Development Controls**

Commissioners,

The community is confronting two development proposals that affect our Downtown. Both are moving ahead without any meaningful analysis of their impact upon our historic Downtown.

*900 New Hampshire Building*

This is a six story hotel. The site was zoned for this use over one decade ago as part of the failed Downtown 2000 project. Because of this prior zoning and the lack of development controls, this project is allowed to go forward without review by the Planning Commission. The City Commission will review it only as an appellate body to the Historic Resources Commission.

The Director of Planning states that, "Staff will not consider the impact of additional hotel space on existing hotels as the review of a site plan ensures compliance with the zoning standards that address physical development of the site. Market impact is not an element that we can analyze in a site plan review . . ." (Email communication 2/23/2012.)

*North Lawrence Development*

The Planning Commission rezoned properties along the levee in North Lawrence without any analysis of the City's capacity to absorb the proposed hotel space. The Planning Commission rezoned the properties with only very flawed analysis of the retail market conditions citywide and with virtually no analysis of the impact of additional retail space upon the Downtown.

### *Past Mistakes*

The City of Lawrence has a very poor record of executing proper development controls:

The Riverfront Mall: The City invested land and a \$3.5 million parking garage. The mall failed and the City lost control over the use of the property because it did not adopt development controls that would allow the City to retain control over future use of the property if the retail mall failed.

The Downtown 2000 project: The City developed a \$8 million parking garage. The project failed after building only one building. Over a decade later, the project is finally building out. However, the City failed to adopt development controls which would return the project to the Planning Commission and the City Commission as new projects were formed.

The Bauer Farms: The City was promised new urbanism, but it has changed to a set of drive-thru buildings worthy only of a commercial strip. The developer even tried to place a home improvement center that would threaten the existing Home Depot at 31<sup>st</sup> and Iowa Streets. Note that the Home Depot cost the taxpayers over \$1.5 million and has yet to fill out.

The City of Lawrence also has a poor record of guiding the pace of growth. The City allowed a retail bubble to be built from 1997 to 2005. During this time, retail space grew by 34 percent, adding 1.2 million square feet more than the City could absorb. From 2005 to the present, the City has been able to absorb about 700,000 square feet of this surplus, leaving about 500,000 surplus square feet. At current rates of absorption, it will take about another 6 years to bring the market back into equilibrium.

### *Repeating the Past Mistakes*

As a City, we continue to hurt ourselves by thinking that we can trust developers to do what they say they will do and thinking that developers will strive to help the City.

The record is clear. Developers will always follow the path of least resistance and fastest profit, even if that path contradicts past promises and is not in the interest of the city

### *Recommendation: Conduct Market Analysis and Impose Development Controls*

At the moment, the City is repeating past mistakes by failing to conduct the careful market analysis that is essential to good planning. We need to answer the questions:

What is the pace at which the City can absorb retail space?  
Will the Downtown be hurt by expansion into North Lawrence?

What is the pace at which the City can absorb new hotel rooms?  
Will the existing hotels be hurt by the additional hotels proposed?

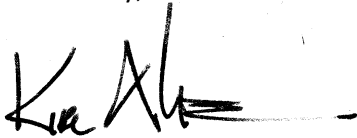
If the market analysis finds that the City can and should move forward, the City needs to impose development controls so that it can:

Dictate the timing of adding new retail and hotel space so as to ensure that this incremental growth will no harm the existing market.

Retain development control over projects, especially if they fail to produce the promised product within the promised timeframe.

Market analysis and development controls are simply smart growth. We have tried developer drive growth for too long. Please take steps to bring good planning into a chaotic development process that will not, on its own, be beneficial to our City and especially to our historic Downtown.

Yours truly,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure